

RAYMOND C. CABALLERO
MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JANUARY 29, 2002
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Reverend Rafael Garcia, Sacred Heart Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

Mayor's Presentations:

1. KinderVision
2. Exchange of Flags Between the City of El Paso and the Mexican Consulate in El Paso

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gifts identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's Office).

1. One (1) oil painting by Gerald Cassidy entitled *Portrait of Juan Bautista de Anza* offered by Evelyn Ainsa and family in memory of Francis Ainsa.
2. One (1) graphite on paper drawing by Anne Weary entitled *Trail to Top* offered by Anne Weary through Valley House Gallery, Dallas, TX.
3. One (1) acrylic on wood panel painting by Charles Mary Kubricht entitled *Mountain*, offered by Adair Margo Gallery.
4. One (1) mixed media object by Ken Luce entitled *El Pape*, one (1) wood and paint sculpture by Joseph Havel entitled *Nocturnal Relations*, one (1) mixed media object by Joseph Havel entitled *Blue Moon*, one (1) oil painting with mirrors by Bert Long entitled *Family*, one (1) oil painting by Jeff Delude entitled *Fire and Dance*, one (1) charcoal, oil stick and acrylic on paper drawing by Brian Portman entitled *Elephant Slide*, one (1) oil painting by Chuck Dugan entitled *Juke Joint*, one (1) mixed media object by Bill Haveron entitled *Bologna Sandwich Tension Pole*, one (1) enamel and bronze powder on canvas by Virgil Grotfeldt

entitled *Ring Master*, one (1) mixed media object by Mark Monroe entitled *Endless Appliance Column*, and one (1) mixed media object by Nestor Topchy entitled *X-ray* offered by James Surls and Charmaine Locke, Basalt, Colorado.

5. One (1) bronze sculpture by James Drake entitled *Pillow*, and one (1) laminated pine sculpture by James Drake entitled *Naval* offered by James Farah of New York, NY.

6. One (1) gelatin silver print by Jack Spencer entitled *Three Pilgrims* offered by the Museum Staff in honor of Ann C. Camp, Assistant Curator.

7. One (1) acrylic on canvas by Carlos Callejo entitled *The Identity Crisis*, and one (1) pastel on paper by Carlos Callejo entitled *No hagas pedo y la gallina es tuya* offered by Carlos Callejo of El Paso.

Mr. Bill Thompson, Curator of Museums – Museum of Art, expressed his thanks to the donors and noted that the works would be on display through May 19, 2002. He invited the public to the Museum of Art to view the works.

Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

Motion made by Representative Medina, seconded by Representative Sumrall, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).

*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of September 25, 2001.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to purchase, on behalf of the City of El Paso, the following works identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's Office).

1. One (1) lithograph by John Biggers entitled *Four Seasons*, valued at \$3,600.
2. One (1) lithograph by Alexandre Hogue entitled *Desert Glare*, valued at \$2,700.
3. One (1) lithograph by Jerry Bywaters entitled *Rain on the Mountains*, valued at \$950 (with funds provided by Members of the El Paso Museum of Art).
4. One (1) gelatin silver print by Keith Carter entitled *Boy with Bee*, valued at \$850 (with funds provided by I.T. Schwartz family in memory of Tom Lea).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept the loan, on behalf of the City of El Paso, of the following work identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's Office).

1. One (1) oil on canvas by an Unknown 19th Century artist entitled *California Landscape*.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the exhibition *High Water: Recent Work by David Taylor*, featuring photographs by New Mexico artist David Taylor, which is scheduled to be on view at the Museum from February 3 to April 14, 2002. There will be no rental fees or shipping expenses for the exhibition.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following grant application on behalf of the Arts Resources Department, for submission to the National Endowment For The Arts (NEA) and to sign the related contracts and documents should funds be granted, either in the requested amounts or at such lesser amounts as may be approved by the NEA. This grant will be used for the "Drop in on the Arts" youth project under the NEA Challenge America, Positive Alternatives for Youth program for inner-city youth.

1. To request and receive \$10,000.00 to present the "Drop in on the Arts" summer youth program for FY 2002. A 1:1 match of City funds is required for the amount of the grant actually awarded.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council authorize the Director of Community and Human Development to approve all applications submitted under the "Demonstration Employer-Assisted Housing Program," a 27th Year (2001-2002) Community Development (CD) Program approved by the City Council on January 8, 2002, provided that the approvals are in accordance with the Program criteria and requirements, attached hereto as Exhibits "A" and "B", with the review and approval of the City Attorney's Office. (Exhibits are on file with this resolution in the City Clerk's Office.)

Representative Sumrall asked how much money would be available through the Community Development Department for this program.

Mr. Roberto Soto, Housing Program Administrator – CD/Housing Rehab, explained that the program was approved by City Council Members on January 8, 2002 and explained that eligible applicants could receive up to \$5,000.00 as part of the Housing Corporation Bond monies to purchase a home in the central area of El Paso in addition to monies from HUD, if applicable. He stated the item on the agenda would delegate authority to Ms. Debbie Hamlyn, Director of Community & Human Development, to expedite the procedures for eligible home buyers.

Representative Sumrall suggested that during the budget hearings for next year more monies be allocated for the Community Development Employer Assisted Homebuyer Program.

Mayor Raymond C. Caballero thanked Ms. Debbie Hamlyn, Director of Community & Human Development, and members of the Housing Finance Corporation for their diligent work for the program. He explained that as of September 4, 2002, an employee of the Fannie Mae Corporation would be working here in City Hall on the 10th floor, for at least six months, to provide assistance to those individuals, City employees and teachers, who are interested in purchasing a home in the central area of El Paso.

Representative Cook commented that his office had received over 30 telephone calls from individuals interested in participating in the program. He stated the initial \$7½ million dollars that the HFC has provided should be spent in a short amount of time; however, an additional \$20 million dollars could be applied toward this program, if the program proves successful.

Mayor Caballero explained that El Paso was the first city in the State of Texas to provide such a program.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to reconsider the Resolution that the following Investor-Owned Housing Rehabilitation application and funding be approved in the amounts shown below as recommended by the Director of Community and Human Development, and that the City Comptroller be authorized to issue checks in the amounts shown below for the approved application:

Application No.: H01-10-CD/IO/MP-0314	CD Loan	\$216,000.00
	CD Grant:	\$ 30,000.00
	Total	\$246,000.00

Address: 3903 Taylor Avenue
Interest at zero percent (0%)

And that the Mayor be authorized to sign a Community Development Investor-Owned Financial Terms Contract between the City and Juan R. Garcia, and a Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale) between the City, Indio Construction Co., and Juan R. Garcia relating to Community Development Rehabilitation Loan Application No. H01-10-CD/IO/MP-0314.

This Resolution was approved with the consent agenda; therefore, a motion to reconsider was necessary. Representative Medina commented on the total dollar amount approved for the above address which consists for four apartments. He addressed the average size for a one-bedroom unit was 480 square feet and a two-bedroom unit was 850 square feet, averaging \$61,500 per unit.

Mr. Robert Soto, Housing Program Administrator – CD/Housing Rehab, explained the total cost for the lowest bid for the construction contract was \$162,400.00, in addition to \$7,300.00 for construction contingency which equals to the total cost of \$169,700.00 for a construction cost per square foot of \$63.32. He went on to say the difference between \$63.32 and \$91.00 cost per square foot is that the property was being refinanced in the amount of \$58,161.00 so that the owner could charge lower rents by renting the apartments to lower income tenants. He added that the City would have first lien in the event of a foreclosure. He explained the renovations that would take place on the building for Representative Medina. He then explained that Community Development funds prohibits new construction by private owners/investors as passed by legislation in 1974 and approved by Congress.

Mayor Raymond C. Caballero asked Council Members to postpone the item.

Representative Power questioned whether members of the Community Development "team" have an inspector from the building trades to determine what is necessary to be done and if this was included in the scope of work.

Mr. Soto responded that applications are reviewed by the Community Development Department and following the approval of the application, a member of the Community Development technical staff composes an initial assessment inspection of the property and other technical aspects of the application process.

Representative Cobos asked if the City has the option not to charge interest on the loans and asked if the item should be sent to a Legislative Review Committee meeting.

Mr. Soto responded yes.

Mayor Caballero explained that his primary concern was the City losing an enormous possibility of leveraging.

Mr. Charlie McNabb, Chief Administrative Officer, explained that if the item were postponed for one week, Mayor and Council Members would be provided the necessary information for review and rather than submitting the one application to Legislative Review Committee, he recommended that the policy be reviewed.

Representative Sumrall commented on the limit of how many individuals residing in each unit.

Mr. Soto responded that for a two bedroom unit – four individuals could reside.

Representative Medina stated for the record that the Community Development Legislative Review Committee consisted of Rose Rodriguez, Chair, Mr. Medina and Mr. Cobos.

Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to postpone one (1) week the Resolution that the following Investor-Owned Housing Rehabilitation application and funding be approved in the amounts shown below as recommended by the Director of Community and Human Development, and that the City Comptroller be authorized to issue checks in the amounts shown below for the approved application:

Application No.: H01-10-CD/IO/MP-0314	CD Loan	\$216,000.00
	CD Grant:	\$ 30,000.00
	Total	\$246,000.00

Address: 3903 Taylor Avenue
Interest at zero percent (0%)

And that the Mayor be authorized to sign a Community Development Investor-Owned Financial Terms Contract between the City and Juan R. Garcia, and a Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale) between the City, Indio Construction Co., and Juan R. Garcia relating to Community Development Rehabilitation Loan Application No. H01-10-CD/IO/MP-0314.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a TNRCC Equipment Loan Agreement by and between the City of El Paso, for the Retired and Senior Volunteer Program (RSVP) of El Paso, and the Texas Natural Resource Conservation Commission (TNRCC) whereby GEO Exploring Mapping System equipment will be loaned to the City at no cost, to be utilized with the Senior Environmental Corps Program.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign, on behalf of the El Paso City-County Health and Environmental District, the following contract amendments and renewals with Texas Department of Health:

Bureau of HIV and STD Prevention
Document No. 7460007499-2003, Attachment No. 02

Bureau of HIV and STD Prevention
Document No. 7460007499-2003, Attachment No. 03

Bureau of Laboratories
Document No. 7460007499-2002, Attachment No. 14

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a License Agreement with Physicians Healthcare Associates (PHA) for the City to provide space on City property for PHA to operate health care clinics for active, non-uniformed city employees enrolled in the City's Self Funded Health Benefit Plan.

Mr. David Almonte, Director of Management & Budget– OMB, explained that the item on the agenda was the Agreement to open the Wellness Center facilities beginning Thursday, January 31, 2002. He explained the hours of operation and locations of the Wellness Center facilities. He noted that based on the use of the facilities, adjustments may be made as to the hours of operation.

Mayor Raymond C. Caballero commented on the facility which was located in the basement of City Hall and asked that the city employees utilize the facility in order to bring savings and better health to the City and its employees.

Representative Sumrall mentioned that the services were free of charge to City employees enrolled in the insurance plan.

Representative Power questioned what the renovation costs were, if any.

Mr. Almonte responded minimal and he commended staff from the City's Building Maintenance Department for their efforts in making the necessary renovations for the implementation of the Wellness Center. He stated he would provide a tour for any Council Member who was interested in viewing the facility. He introduced Dr. Vernoy Walker, PHA representative.

Representative Rodriguez asked Mr. Almonte how he would contact the City employees not having email access regarding the new Wellness Center facilities and hours of operation. She questioned whether the information might be attached to the employee's paycheck.

Mr. Almonte responded he would provide the information to the Department Heads who would forward the information to the City employees. He explained that the OMB Department would be composing a quarterly newsletter and the Wellness Center information would be included in the newsletter.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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***RESOLUTION**

A RESOLUTION APPOINTING THE DIRECTOR OF PUBLIC WORKS, EDWARD DRUSINA, P. E., AS A MEMBER OF THE TRANSPORTATION POLICY BOARD FROM THE CITY OF EL PASO, TEXAS, FOR THE METROPOLITAN PLANNING ORGANIZATION, FOR THE EL PASO URBAN TRANSPORTATION STUDY AREA.

WHEREAS, the Bylaws of the El Paso Metropolitan Planning Organization, Transportation Planning Board (TPB) require that the governing body of the City appoint persons to said TPB; **NOW THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

At the request of the Mayor, the Director of Public Works, Edward Drusina, P. E., is hereby appointed to the Transportation Policy Board for the Metropolitan Planning Organization for the El Paso Urban Transportation Study area.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

MULTIPURPOSE CENTER

DEPARTMENT ID. 51510032, ACCOUNT 502214

1. **CONTRACTOR:** Grace Gregorio, Instructional services for people with disabilities and other programs.
 DATES: March 1, 2002, thru August 31, 2002
 RATE PER CL \$8.00
 MAXIMUM AMT: \$3,840
 CONTRACT: 2001/2002 – 120

2. **CONTRACTOR:** Anna Thornton, Instructional services for people with disabilities.
 DATE: March 1, 2002, thru August 31, 2002
 RATE PER CL: \$9.55
 MAXIMUM AMT: \$7,219.80
 CONTRACT: 2001/2002 – 121

3. CONTRACTOR: Veronica Luevanos, Arts & Crafts Assistant, and Exercise & Library classes
DATE: March 1, 2002, thru August 31, 2002
RATE PER CL: \$5.50
MAXIMUM AMT: \$1,072.50
CONTRACT: 2001/2002 – 122

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**CAROLINA RECREATION CENTER
DEPARTMENT ID. 51510073, ACCOUNT 502214**

1. CONTRACTOR: Ricardo Lerma, Boxing instructor.
DATES: February 4, 2002, thru May 29, 2002
RATE PER CL \$8.80
MAXIMUM AMT: \$457.60
CONTRACT: 2001/2002 – 123
2. CONTRACTOR: Jesus Garcia, Karate instructor.
DATE: February 5, 2002, thru May 30, 2002
RATE PER CL: \$8.80
MAXIMUM AMT: \$457.60
CONTRACT: 2001/2002 – 124

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contract on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2001-2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**AQUATICS CENTER
NO. 51010281, SUB-OBJECT 501011**

1. CONTRACTOR: Vanessa Amador, Pool Attendant, Step 1
DATES: January 16, 2002, thru September 30, 2002
RATES PER HR: \$5.40
CONTRACT NO: 2001/2002-173
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2001-2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS CENTER

NO. 51010281, SUB-OBJECT 501011

1. **CONTRACTOR:** Albert Heredia, Swim Instructor I, Step I.
 DATES: January 16, 2002, thru September 30, 2002
 RATES PER HR: \$5.35
 CONTRACT NO: 2001/2002-174

2. **CONTRACTOR:** Anthony Gomez, Pool Attendant, Step I.
 DATES: January 17, 2002, thru September 30, 2002
 RATES PER HR: \$5.40
 CONTRACT NO: 2001/2002-175

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor & Council authorize the submission of a grant proposal from Department of Parks & Recreation to The GOGIRLGO Project Grant in the amount of \$25,000.00. The purpose being for the development and funding of girls sports programs that combine athletic skill instruction and programming with the delivery of educational information aimed at reducing risk behaviors that threaten the health and social advancement of girls aged 10 to 14 years. The goal of this project is to maximize the use of sport as an educational intervention and social asset in order to enhance the wellness of girls. No Match requirements and No cost to the City.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That pursuant to Section 3.7 B of Ordinance 8064, City Council hereby establishes the tool allowance for affected City employees as \$100.00 per quarter.

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*Motion made, seconded and unanimously carried to set a public hearing to be held on February 12th, 2002 to determine if the property located at 3417 Durazno Avenue in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of record as of 10/23/01, Samuel & Alma Rosa Diaz, have been notified of the violations at this property.

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 12th day of February, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3417 Durazno Avenue, in El Paso, Texas which property is more particularly described as:

Lot: 9, Block 43, East El Paso Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 1, Page 51, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Samuel Diaz and Alma Rosa Diaz, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring this property into compliance as mandated by Municipal Code Section 18.52.040 and to specify the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made, seconded and unanimously carried to set a public hearing to be held on February 19th, 2002 to determine if the property located at 159 Newman Street in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of record as of 01/09/02, Jose Felix Briseno, 159 Newman Street, Maria Luisa Briseno-Padilla, 159 Newman Street, Fernando Briseno, 159 Newman Street, and Raymundo Briseno, 159 Newman Street, have been notified of the violations at this property.

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 19th day of February, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 159 Newman Street, in El Paso, Texas, which property is more particularly described as:

Lots: The South 30 feet of the East 15 feet of Lot fourteen (14), and the South 30 feet of Lots fifteen (15) and sixteen (16), in Block thirty-two (32), of Franklin Heights, an Addition to the City of El Paso, El Paso County, Texas, which property is commonly known as 159 Newman, El Paso, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Jose Felix Briseno, 221 Teakwood Rd., El Paso, Texas 79915-4329, Maria Luisa Briseno-Padilla, 8729 Old County Road #20, El Paso, Texas 79907-5301, Fernando Briseno, 12715 Quijano Rd., Clint, Texas 79849 and Raymundo Briseno, 159 Newman St., El Paso, Texas 79901-1631, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring this property into compliance as mandated by Municipal Code Section 18.52.040 and to specify the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made, seconded and unanimously carried to set a public hearing to be held on February 19th, 2002 to determine if the property located at 148-150 N. Brown Street in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of 1/08/02, Carlos Escobedo, 10540 Kendall St., El Paso, Texas 79924, has been notified of the violations at this property.

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 19th day of February, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 148-150 N. Brown Street, in El Paso, Texas, which property is more particularly described as:

Lots: The South 75 feet of Lots 1, 2 and 3 and the South 75 feet of the West 15 feet of Lot 4, Block 32, Franklin Heights Addition, an addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Carlos Escobedo, 10540 Kendall Street, El Paso, Texas 79924, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring this property into compliance as mandated by Municipal Code Section 18.52.040 and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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 *Motion made, seconded and unanimously carried to set a public hearing to be held on February 19th, 2002 to determine if the property located at 413 S. Florence Street in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of record as of 01/08/02, Arturo Stephens, 413 S. Florence St., Jose Stephens, 413 S. Florence St., Eduardo Stephens, 413 S. Florence St., Guillermo Stephens, 413 S. Florence St., Ricardo Stephens, 413 S. Florence St., Roberto Stephens, 413 S. Florence St., Leonor Stephens, 413 S. Florence St., Magdalena Lucero, 413 S. Florence St., and Tomas Bueno Contreras, 5956 Doniphan Drive, have been notified of the violations at this property.

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 19th day of February, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 413 S. Florence Street, in El Paso, Texas, which property is more particularly described as:

Lots: 4 and 5, Block 139, Campbell's Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 2, Page 68, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Arturo Stephens, 413 S. Florence St., Jose Stephens, 413 S. Florence St., Eduardo Stephens, 413 S. Florence St., Guillermo Stephens, 413 S. Florence St., Ricardo Stephens, 413 S. Florence St., Roberto Stephens, 413 S. Florence St., Leonor Stephens, 413 S. Florence St., Magdalena Lucero, 413 S. Florence St., and Tomas Buenc Contreras, 413 S. Florence St., are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring this property into compliance as mandated by Municipal Code Section 18.52.040 and to specify the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*Motion made, seconded and unanimously carried to postpone two (2) weeks the assumption of the cost of maintaining lamp posts on Yandell Drive adjacent to the Concordia Cemetery as per agreement between the City of El Paso and the Concordia Heritage Association. These lamp posts were donated by the Association.
.....

*Motion made, seconded and unanimously carried to approve the request to fill the position(s) on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A. Deputy Court Clerk (1)
- B. Recreation Leader II (3)
- C. Personnel Technician I (1)
- D. Recreation Services Coordinator (1)

.....
*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Computer Applications Support Supervisor (1)

.....
*Motion made, seconded and unanimously carried to approve the Staffing Table Change for City Attorney

Add 1.0 Personnel & Payroll Clerk GS17

NOTE: Item was approved to include the words: "Add 1.0"

.....
*Motion made, seconded and unanimously carried to postpone one (1) week the Board Appointment of Monica Gomez to the Bond Overview Advisory Committee (BOAC) by Representative Sumrall.

.....
*Motion made, seconded and unanimously carried to appoint Gerald L. Fleharty to the Electrical Board of Appeals by Representative Cook.

.....
*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Sierra Title, in the amount of \$2,908.75, overpayment of 2001 taxes.
(PID #C809-999-0170-4400)
- B. Earlyne E. Murphy, in the amount of \$547.15, overpayment of 1999 taxes.
(PID #C844-999-0100-1100)
- C. First American Real Estate Tax Service, inc., in the amount of \$617.96 overpayment of 2000 taxes. (PID #E369-003-0180-0180)
- D. Keith & Angelica Miller, in the amount of \$2,421.89, overpayment of 2001 taxes.
(H792-000-0020-0700)
- E. Raul & Olivia Ramirez, in the amount of \$889.58 overpayment of 2001 taxes.
(PID #L154-999-0010-1600)
- F. Lawyers Title, in the amount of \$924.15 overpayment of 2001 taxes.
(PID #L547-999-001C-7700)
- G. Wells Fargo Home Mortgage, in the amount of \$1,028.10 overpayment of 2000 taxes.
(PID #M851-999-0540-5500)
- H. First Horizon Home Loans, in the amount of \$895.45 overpayment of 2000 taxes.
(PID #P605-999-0040-2000)
- I. Ignacio Lujan, in the amount of \$846.92 overpayment of 2001 taxes.
(PID #S690-999-0010-3900)
- J. Lone Star Title Company, in the amount of \$2,500.64 overpayment of 2001 taxes.
(PID #V897-999-0700-2900)
- K. First American Real Estate Tax Service in the amount of \$1,485.57 overpayment of 2000 taxes. (PID #X577-999-2410-0200)

*Motion made, seconded and unanimously carried to approve Change Order No. 51 (Scope Change) to SamCorp. General Contractors, Inc., for "Convention Center Expansion and Modernization" for an increased amount of \$144,173.20 for building signage. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this change order and project, as necessary.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-025 Citywide Unpaved Street Improvements Phase II

Contractor: Ortega Construction Co., Inc.
El Paso, Texas

Department: Streets Department
Funds Available: 31250202-PPW0028001-27214-508027
Funding Source: FY 2001 COs

Items:	Base Bid I	\$117,750.00
	Base Bid II	\$336,180.00
	Base Bid III	\$126,250.00
	Base Bid IV	\$ 47,570.00
	Alternate I	\$ 23,350.00
	Alternate II	\$ 99,320.00
	Alternate III	\$ 15,270.00
Total Award:		\$765,690.00

The Departments of Purchasing, Engineering and Streets recommend the award of this contract to Ortega Construction Co., Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-050 Traffic Signal Components

Award to: Traffic Parts, Inc.
Conroe, Texas

Item(s): All
Amount: \$61,605.00 (estimated annually)

Department: Street Department
Funds Available: 01101-503203 and 26035-508027
Funding Source: General Funds, Traffic Signals
Certificate of Obligations for FY01

Total Award: \$61,605.00 (estimated annually)

Street Department and Purchasing recommend award, as indicated as this vendor is the responsible and responsive bidder meeting specifications.

This is a twelve (12) month contract with the bidder offering the option to extend the term of this contract for one additional year.

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-244 PUBLIC WORKS

Public Works proposes to appropriate \$122,000 to fund Ballfield Lighting for Alta Vista Park. Funding source is FY02 2000 Issue Bond Authorization.

Increase	\$122,000	to	31130550/PPW0046040YR260043/407020	Bond Proc
Increase	\$ 1,000	to	31130550/PPW0046040YR260043/508022	City Adm Chg
Increase	\$ 2,000	to	31130550/PPW0046040YR260043/508024	Testing
Increase	\$ 2,000	to	31130550/PPW0046040YR260043/508026	Inspection
Increase	\$100,000	to	31130550/PPW0046040YR260043/508027	Construction
Increase	\$ 15,000	to	31130550/PPW0046040YR260043/508050	Design
Increase	\$ 2,000	to	31130550/PPW0046040YR260043/508051	Prog Mgmt

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-245 PUBLIC WORKS

Public Works proposes to appropriate \$178,000 to fund Ballfield Lighting for Veterans Park. Funding source is FY02 2000 Issue Bond Authorization.

Increase	\$178,000	to	31130550/PPW0046041YR260044/407020	Bond Proc
Increase	\$ 1,000	to	31130550/PPW0046041YR260044/508022	City Adm Chg
Increase	\$ 2,000	to	31130550/PPW0046041YR260044/508024	Testing
Increase	\$ 2,000	to	31130550/PPW0046041YR260044/508026	Inspection
Increase	\$150,000	to	31130550/PPW0046041YR260044/508027	Construction
Increase	\$ 21,000	to	31130550/PPW0046041YR260044/508050	Design
Increase	\$ 2,000	to	31130550/PPW0046041YR260044/508051	Prog Mgmt

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-252 ZOO
To set up appropriations for Zoo Sea Lion Exhibit.

Increase	\$211,137	to	52153027/P50024416340/507000	Interfnd Trf
Increase	\$211,137	to	52153029/P50004016351/407000	Interfnd Trf
Increase	\$211,137	to	52153029/P50004016351/508027	Construct

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-253 OMB
To redistribute appropriations as required for Sea Lion Exhibit.

Decrease	\$ 16,000	from	04250101/PMB000125027169/508002	Bldgs
Decrease	\$109,500	from	04250101/PMB000125027169/508003	Bldg Improv
Decrease	\$ 73,500	from	04250101/PMB000125027169/508004	Pub Use Fac
Decrease	\$ 15,000	from	04250101/PMB000125027169/508006	Veh Equip
Decrease	\$ 20,800	from	04250101/PMB000125027169/508008	Maj Off Equip
Decrease	\$ 8,500	from	04250101/PMB000125027169/508010	DatProcEqp
Decrease	\$ 2,000	from	04250101/PMB000125027169/508011	Cultural Wks
Decrease	\$ 25,923	from	04250101/PMB000125027169/508012	Med Scien
Decrease	\$ 57,640	from	04250101/PMB000125027169/508014	Haz Mat
Decrease	\$ 10,000	from	04250101/PMB000125027169/508035	Comm Equip
Increase	\$ 65,000	to	04250101/PMB000125027169/508016	Arch Design
Increase	\$273,863	to	04250101/PMB000125027169/508027	Construct

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-256 PUBLIC WORKS

Public Works proposes to appropriate \$500,000 to fund completion of the Civic Center project. Funding source is Hotel/Motel Tax Revenue.

Increase	\$500,000	to	57107100/PPW000327457/401021	HotelOccupTax
Increase	\$140,000	to	57107100/PPW000327457/508016	Design
Increase	\$360,000	to	57107100/PPW000327457/508027	Construction

*Motion made, seconded and unanimously carried to approve the following Building Services - refunds:

- A. Food establishment license refund to Food City in the amount of \$500.00.
- B. Food establishment license refund to Food City in the amount of \$500.00.
- C. Food establishment license refund to Food City in the amount of \$500.00.

*Motion made, seconded and unanimously carried to approve the request of Cystic Fibrosis Foundation to hold a Great Strides to Cure Cystic Fibrosis 10K - 6.2 mile walk on May 18, 2002 from 7:00 a.m. to 9:00 a.m. Route: Begin at Ponder Park at 7500 W. H. Burges, north on Juniper to Edgemere Parkway, loop around the Parkway back to Juniper and back to Ponder Park, repeat same path to complete the 10K. Approximately 100 persons will take part. PERMIT NO. 02-005

*Motion made, seconded and unanimously carried to approve the request of YWCA to hold a run/walk on February 24, 2002 from 8:00 a.m. to 11:00 a.m. **Route for ½ Marathon:** Start at Bois D'Arc and Capen, left on Springwood; right on Fir, left on Acer; right on McRae, left on South Desert Hills, right on Desert Ridge, left on Daugherty, right on Backus, left on Glengarry, right on W.H. Burges, right on Juniper, left on Edgemere, right on Geronimo, left on Hughey, left on Magruder, right on Timberwolf, left on Hastings, right on Marr, left on Altura, left on Louisiana, right on Richmond (Richmond turns into Scenic), Scenic to Rim, right on Stanton, left on Kern, finish at Las Palmas LifeCare Center. **Route for 5K:** Start at Las Palmas LifeCare Center, down Kern, right on Stanton, left on Rim-turnaround, right on Stanton, left on Kern, finish at Las Palmas LifeCare Center. **Route for 1 Mile:** Start at Las Palmas LifeCare Center, Kern to Sunbowl, left on Sunbowl-turnaround, right on Kern, finish. Approximately 1,700 persons will take part and 400 spectators are anticipated. This request includes permission to use amplification (small 2-speaker portable PA system; DJ with speakers). PERMIT NO. 02-004

ORDINANCE 15019

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO PROVIDE FOR GENERAL PAY INCREASES FOR THE GENERAL SERVICES, RECREATION SERVICES, PROFESSIONAL/MANAGERIAL, EXECUTIVE SERIES PAY PLANS, SALARIED, UNCLASSIFIED EMPLOYEES, AND MUNICIPAL COURT JUDGES WHEREBY EVERY EMPLOYEE WILL RECEIVE AN INCREASE IN PAY EQUAL TO FOUR PERCENT OF THE CURRENT MIDPOINT OF THE EMPLOYEE'S PAY GRADE AND FOREEMPLOYEES IN SINGLE NUMBER CLASS GRADES FOR WHICH NO ESTABLISHED PAY RANGE EXISTS, A FOUR PERCENT INCREASE OVER EXISTING SALARY. EFFECTIVE ON FEBRUARY 3, 2002**

Ms. Sylvia Marquez, President of the City Employee's Association, thanked Mayor and Council Members for their support toward City employees and explained that the City has many talented employees whose services and experiences are invaluable. She explained that this was the first time, in a very long time, that City employees have been shown support by Council Members.

Mayor Raymond C. Caballero thanked the City employees for their work and explained that Council Members want the City employees to maintain competitive pay packages. He noted that he was very pleased with the City employee's performances; however, the public expects very good service in exchange for the pay raise.

Ms. Chris Acosta, President of AFSCME Local 59, said she has been a City employee for over 20 years and explained that this was a record that Mayor and Council Members have abided by the "open door" policy and she appreciated everyone working together. She thanked the Mayor for recognizing City employees during the Mayor's State of the City address.

Motion duly made by Representative Sumrall, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15020

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING TEXAS AMATEUR WRESTLING TO USE THE CAROLINA RECREATION CENTER FROM FEBRUARY 1, 2002 THROUGH FEBRUARY 2, 2002**

Motion duly made by Representative Sariñana, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15021

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 014874, WHICH CHANGED THE ZONING OF ALL OF LOT 17, BLOCK E, COLLINGSWORTH, EL PASO, EL PASO COUNTY, TEXAS, (5990 ALAMEDA AVENUE) AND IMPOSED CERTAIN CONDITIONS, TO DELETE CONDITIONS NO. TWO (2) AND THREE (3) THEREOF. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE MUNICIPAL CODE.**

Ms. Patricia Adatao, Director of Planning, reviewed the zoning change for Council Members information and explained the special conditions on the property. She noted that the application before Council Members today was a request to release the condition regarding the rock wall and that the landscaping requirement be removed. She stated the CPC (City Plan Commission) and DCC (Development Coordinating Committee) have reviewed the application and recommend approval of the release of the two conditions; however, the Planning Department would like to maintain the restriction for access on Wyman Court. She

noted that there was sufficient opposition to invoke Section 211.006(d) of the local government code. She explained that the Planning Department had received a petition with nine signatures and subsequently read the names into the record.

Mr. Sebastian Martinez, 5904 Wyman Court, gave background information regarding the zoning change for Council Members.

Representative Sumrall asked Ms. Adatao whether the barbed wire placed at the top of the rock wall was permitted. She questioned what the lot was being utilized as.

Ms. Adatao remarked that the barbed wire existed on the prior wall and has since been reconstructed into the new rock wall. She responded that it was her understanding that the lot was being utilized as a used car sale lot. She explained that the request before Council Members today was to amend the special conditions to release the conditions that required the 8 foot rock wall and to release the requirement for landscaping abutting the residential properties.

Mr. Martinez made remarks in reference to the rock wall and the landscaping issues.

Ms. Adatao explained the options for Council Members as: 1. Council Members could maintain the conditions as imposed through the rezoning of the property to C-3; 2. or modify, per the request of the applicant, 3: or some other type of action.

Representative Medina asked Mr. Martinez to reiterate what he would like the Council Members action to be.

Mr. Martinez replied that the landscaping needs to be done to the westerly portion and that the barbed wire at the top of the rock wall be removed.

Representative Medina asked Mr. Holguin if he would remove the barbed wire and replace it with chain link fencing.

Mr. Holguin, applicant, responded to Representative Medina's question; however, he was out of the range of the podium microphone and his remarks could not be understood.

Ms. Adatao responded that the way that the contract was worded and the way in which the motion was made by City Council, last year, the requirement reads that the rock wall would be placed along the property line abutting the residential districts. She noted that the rock wall was constructed to comply with the Ordinance and Motion; however, the requirement for the landscaping would be interpreted to be on the inside of Mr. Holguin's property, which would not be visible to the residential owners. She further stated Mr. Martinez was requesting that the landscaping be placed on the outside of the rock wall which would place the landscaping on the City's right-of-way.

Representative Medina then questioned Mr. Martinez that if Mr. Holguin would landscape the property who would maintain the landscaping.

Mr. Martinez responded that the neighbors would maintain the landscaping.

Mr. Holguin said he would landscape the four feet of City right-of-way if the City permits this.

Representative Sumrall commented on the lack of signage for Mr. Holguin's property and questioned whether it was necessary that there be sidewalks and landscaping due to the C-4 zoning.

Mr. Terry Williams, Deputy Director of Building Services, responded that sidewalks were required; however, not on the residential street in question.

Representative Sariñana explained that the property faces Alameda and that Mr. Holguin agreed to placing the 8 foot rock wall. He said he did not believe that it was Mr. Holguin's responsibility to install the landscaping.

Mr. Martinez recommended that Representative Medina utilize his discretionary funds to repair the unsightly wall left on the City's right-of-way.

Representative Medina responded to Mr. Martinez' comments and explained that Mr. Holguin has agreed to remove the barbed wire and replace it with chain link fence. He then asked Mr. Holguin to landscape the property and explained that the neighbors would maintain the landscaping.

Ms. Rita Rodriguez, City Attorney, explained that the City Attorney's office would need to draft contracts regarding the granting of permission to place the landscaping, in addition to, drafting contracts to authorize individuals to maintain the landscaping. She suggested that Council Members direct the City Attorney's office to investigate the possibility of pursuing the contract(s).

Representative Sumrall asked whether Council Members should be involved in the matter due to the appearance of litigation and a pending civil suit.

Mr. Rodriguez responded that she did not believe the City was a party to the civil suit.

Representative Cook explained that the Council has attempted to appease both sides of the issue and he recommended the City install and maintain the landscaping on the right-of-way. He questioned whether "screening" was a requirement for vehicles left sitting in disrepair for long periods of time.

Mr. Williams responded yes the screening was a requirement which was why the rock wall was erected. He reiterated that this was "commercial" property.

Mr. Martinez agreed that the City should install the landscaping and it was not his intent to disparage Representative Medina.

Representative Rodriguez moved to postpone the item until the contracts from the City Attorney's office were prepared.

Ms. Rodriguez responded that two separate actions would be required due to the City Attorney's office need to investigate whether or not the possibility exists for the contract. She explained that action could be taken on the item today; however, the City must investigate if all parties are in agreement, voluntarily.

Representative Cook moved to approve the Ordinance change, Representative Cobos seconded.

Mr. Charlie McNabb, Chief Administrative Officer, advised if the issue of the landscaping was truly voluntary, then it would not matter.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Medina, Cook, Power, Escobar and Sariñana

NAYS: Council Members Sumrall, Rodriguez and Cobos Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Due to the existence of the 211.006(d), the Motion to approve the Ordinance did not pass.

Ms. Adatao explained that if Council Members' motion was to deny the application, the applicant has to wait one year before he can resubmit a new application to amend or release any of the conditions.

Motion made Representative Sariñana, seconded by Representative Escobar and carried to reconsider the item. Representative Rodriguez and Representative Medina did not vote.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYE: Council Members Sumrall, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAY: Council Member Rodriguez Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Mayor Caballero suggested that Ms. Adatao research locating funds to assist Mr. Holguin in the landscaping issue.

.....
ORDINANCE 15022

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 19 AND ALL OF LOT 20, BLOCK 17, COTTON ADDITION, EL PASO, EL PASO COUNTY, TEXAS (2330 MONTANA AVENUE) FROM A-2 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Cobos questioned if any opposition existed and the recommendations of the CPC (City Plan Commission) and DCC (Development Coordinating Committee).

Ms. Patricia Adatao, Director of Planning, responded there was no opposition and the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended in favor.

Motion duly made by Representative Cobos, seconded by Representative Sumrall, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15023

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF SECTION 33 AND ALL OF TRACTS 1 AND 1A, SECTION 40, BLOCK 79, TOWNSHIP 2, TEXAS & PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (EAST OF LOOP 375 AND SOUTH OF MONTANA AVENUE) AS FOLLOWS: PARCEL 1, FROM R-3 (RESIDENTIAL) TO C-4/C (COMMERCIAL/CONDITIONS); PARCEL 2, FROM R-3 (RESIDENTIAL) TO PR-II (PLANNED RESIDENTIAL); PARCEL 3, FROM R-3 (RESIDENTIAL) TO R-5 (RESIDENTIAL); PARCEL 4, FROM R-3 (RESIDENTIAL) TO C-3/C (COMMERCIAL/CONDITIONS); AND PARCEL 5, FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia Aauto, Director of Planning, explained the zoning change for Council Members and noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended in favor with certain conditions. She explained the conditions for Council Members.

Representative Power asked whether the Planning Department had received any opposition. He asked if this fit into the City's Master Plan.

Ms. Aauto responded no and stated that the zoning change does fit into the Master Plan.

Ms. Lisa Turner, citizen, questioned what the conditions were for a C-4 zoning change and questioned the adult entertainment centers.

Ms. Aauto explained the conditions to include that a Site Plan, with approval by the City Plan Commission, a landscape buffer between the commercial and residential properties and restricting the uses she had enumerated previously. She remarked that due to the commercial property abutting the residential properties, the adult entertainment use would not be permitted due to the prohibitive distance requirement. She then explained that adult entertainment use would be permitted provided they meet the 1,000 foot distance requirement from all the prohibitive uses.

Representative Power asked if a stipulation could be included in the Ordinance prohibiting adult entertainment uses.

Ms. Rita Rodriguez, City Attorney, stated Council Member Power could not add the language.

Ms. Aauto presented Council Members with a slide presentation to illustrate the zoning change further.

Ms. Turner asked whether Council could give the "Adult Entertainment" a special zoning code so that when a C-4 zoning change is on the City Council Agenda for approval, questions would not need to be asked.

Mr. Charlie McNabb, Chief Administrative Officer, stated that, as per the City Attorney's office, the law does not allow the City to totally prohibit those uses within the City therefore, they are restricted to certain zoning classifications.

Motion duly made by Representative Power, seconded by Representative Sumrall, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15024

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 17, S.A. & M.G.R.R. SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS (NORTH OF REDD ROAD AND WEST OF I-10) FROM C-3 (COMMERCIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Sumrall explained that this Ordinance would allow one of the first recreational facilities, from the private sector, for the Westside. She explained that a Mrs. McMillie was the only opposition to the project and that the developer's have tried very diligently to address her concerns.

Ms. Patricia Adatao, Director of Planning, explained that the Planning Department had received three letters of opposition: Mr. & Mrs. McMillie, Mr. & Mrs. Rosales and Mr. Jeff Blackwood. She noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended in favor with the condition that access be restricted to Redd Road.

Mrs. McMillie spoke in opposition of the C-4 designation and explained that Council Members should have received a letter she had written. She noted that she has met with Mr. Bradley Roe, engineer for the project, and J. R. Phillips and Jerry Marlowe, owners, who had explained the development in detail. She reiterated that her concern was the C-4 designation and mentioned what would happen in 10 years. She commented on the possible lack of security, young people cruising through the neighborhood, air pollution, noise pollution, ground pollution and C-4 being in or near a residential area.

Mayor Raymond C. Caballero asked Ms. Adatao to address Mrs. McMillie concerns.

Ms. Adatao explained the zoning request made by the developer and noted that the developer requested light commercial zoning but unfortunately due to an interpretation of the zoning, the developer was required to ask for the C-4 zoning. She explained that Redd Road was a four lane arterial, two lanes each way, with a median in the middle.

Representative Sumrall explained that the area has changed over the years to become commercial.

Representative Rodriguez commented on the possibility of parking overflowing into the residential neighborhoods.

Representative Escobar asked whether the developer met the parking requirements.

Ms. Adatao responded yes and that the access would be restricted to only Redd Road. She pointed out that Medano Drive is an unimproved City street which was why the access was limited to Redd Road.

Representative Sariñana asked how "amusement park" zoning was defined.

Mr. Terry Williams, Deputy Director of Building Services, explained that "amusement park" means a commercially operated park with various devices for entertainment and booths for the sale of food and drink. He explained that golf courses have a separate definition and that in this example there is more than one entertainment activity being offered which makes this an amusement park.

Motion duly made by Representative Sumrall, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15025

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 31 AND 32, BLOCK 92, EAST EL PASO, EL PASO, EL PASO COUNTY, TEXAS (3300 MONTANA AVENUE), FROM R-5 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Cobos questioned whether there was any opposition.

Ms. Patricia Adatao, Director of Planning, stated none that the Department has received and the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended unanimous approval.

Motion duly made by Representative Cobos, seconded by Representative Sumrall, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15026

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 2, BLOCK 6, CHRISTY TRACT IN BLOCK 31 OF YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (561 - 563 SCHWABE STREET) FROM R-F (RANCH-FARM) TO R-3 (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia Adatao, Director of Planning, explained that the current zoning was R-F and in order to have single-family residences, a minimum of three acres is needed to build one home. She explained that an R-4 zoning requirement for a single-family dwelling was 6,000 square feet and 5,000 square feet for R-3A

zoning. She stated that, at this time, the applicant would like to build one residence but has plans to build one additional home at the rear of the property at a future date.

Representative Sariñana noted that all this could be done under the R-3 zoning. He explained that the neighbors were requesting an R-3 zoning change. He recommended that the zoning change be made R-3 otherwise he would be postponing the item to meet with the neighbors.

Representative Power agreed with Representative Sariñana's comments.

Mr. Miguel Grijalva, neighbor in opposition, explained that in the drawing he was given, the home faces his home and that the property was actually two acres in size. He explained that he had spoken with the applicant and the applicant explained that he would be building two duplexes in the future. He noted that he has lived on this street for 30 years and the street has never been paved and with the addition of more traffic this would cause many inconveniences.

Mr. Ramon Lara, in favor of the zoning change, explained that the applicant has proposed building two regular homes on a one-acre property. He explained that the applicant made a mistake and requested that his zoning change be made as an R-3.

Representative Sariñana moved to change the zoning from R/F to R-3.

Motion duly made by Representative Sariñana, seconded by Representative Power, that the Ordinance be adopted as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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Motion made by Representative Medina, seconded by Representative Escobar and unanimously carried to postpone four (4) weeks an Ordinance changing the zoning of Lots 31, 32, 33 and 34, Block 19, BRENTWOOD HEIGHTS, El Paso, El Paso County, Texas, (5318-5322 Gateway East Boulevard) from R-5 (Residential) to C-4 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicants: James Drake and Irma Crowley / Representative: Stephen Simon, 7729 Lockheed, Suite A, El Paso, TX. 79925. ZC-01065

Representative Medina asked Ms. Adatauto to elaborate and questioned what would be built on the site.

Ms. Patricia Adatauto, Director of Planning, explained that the request was to rezone the 12,000 square foot parcel from R-5 to C-4. She stated the parcel abuts Gateway Boulevard East and the request is to expand the commercial building currently in place. She also stated the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended in favor and that the recommendation required a Detailed Site Development Plan and no opposition has been received.

Mayor Raymond C. Caballero explained that this property was located within the BHI area.

Representative Medina asked Mr. Simon to expound on the property.

Mr. Simon, appraiser representing the applicant, explained that the metal building was formerly a fabric store. He stated that the building had been vacant for some time and that the surrounding zoning did not lend itself to the current residential zoning. He remarked that when the rezoning takes place, a prospective owner would be willing to invest in the property and develop it appropriately.

Mayor Raymond C. Caballero asked Ms. Adaauto if the item might be postponed in order to analyze what the impact of the zoning change.

Ms. Adaauto responded yes.

Representative Medina remarked he would like to postpone the item due to the uncertainty of the applicant's plans for the property.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Grant Agreement (Contract No. 582-2-47338) and related documentation on behalf of the El Paso City-County Health and Environmental District with the Texas Natural Resource Conservation Commission (TNRCC) for Major Source Inspections, Non-Major Source Inspections, Complaint Response, Title V Operating Permits Joint Inspections, Stage II Vapor Recovery Inspections, and Selected Border Improvement Activities, for Fiscal Year 2002. The total contract amount is FOUR HUNDRED TWENTY SEVEN THOUSAND SEVEN HUNDRED NINETY DOLLARS AND 00/100 (\$427,790.00). The City of El Paso's contribution is NINETY FOUR THOUSAND FIVE HUNDRED EIGHTY FIVE DOLLARS AND 00/100 (\$94,585.00), the County of El Paso's contribution is FORTY SIX THOUSAND FIVE HUNDRED EIGHTY SIX DOLLARS AND 00/100 (\$46,586.00) and the TNRCC's contribution is TWO HUNDRED EIGHTY SIX THOUSAND SIX HUNDRED NINETEEN DOLLARS AND 00/100 (\$286,619.00).

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

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*Motion made, seconded and unanimously carried to delete the discussion and action regarding the relocation of the Don Juan De Oñate statue from Cleveland Square to the Union Pacific Depot and re-naming the statue from "Don Juan De Oñate" to "El Conquistador". (Representative Cobos)

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Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to deny the approval of Conditional "B" building permits for Vista Del Norte Subdivision.

Representative Cook explained that the item was postponed due to the owner's absence.

Mr. Bashar M. Abugalyon, Engineering Section Chief - Building Services Department, stated that the applicant was not present and asked that the request be denied.

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Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to approve terminating Contract No. 2001-108-C7 with Lehigh Safety Shoe Co., LLC, for Uniforms for default pursuant to Clause No. 18B of the Contract, an item titled Termination for Default, whereby the City reserved the right to terminate the Contract for default.

The user Department was notified & a new solicitation will be issued.

Department: Solid Waste Management

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Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to approve a temporary lease of the Union Plaza Transit terminal vacant lot bounded by Durango, San Antonio, Overland and Leon, situated on Block 46 for two events in February and March of 2002, and that the lease agreement be brought back to Council for final approval.

Representative Cobos thanked Mr. Clint Newsome, owner of Papa's Cantina, for taking the initiative and utilizing the property.

Mr. Newsome explained that he would be utilizing the property for two occasions: 1. Mardi Gras Celebration on February 12, 2002; and 2. St. Patrick's Day Celebration on March 15 and 16, 2002. He mentioned that his first property choice was the Southern Pacific Freight Depot; however, those plans were not approved. He asked Council Members if he might be granted immediate access to the property due to time constraints. He also asked if any City Department Heads would come forward with any issues that they might have.

Mayor Raymond C. Caballero asked Mr. Newsome whether he had contacted the owners of the freight depot property for their consideration and approval.

Mr. Newsome responded that due to issues arising during discussions with the owners, it was determined that this location would not be beneficial.

Mr. Terry Williams, Deputy Director of Building Services, made comments regarding the zoning at the freight depot.

Representative Cobos explained that Mr. Williams has recommended approving the temporary lease conditional upon satisfying all DCC (Development Coordinating Committee) comments and the Mayor's authorization to sign the temporary lease.

Mr. Williams clarified Representative Cobos' comments as, if City Council deems that the lease at this location was appropriate, some issues were pending which need to be addressed. He explained that the item would be on the Development Coordinating Committee meeting to be held the following morning and noted that other City departments have not yet perused the temporary lease.

Mr. Newsome explained that the Mardi Gras event would be a one day event; however, the St. Patrick's Day event would be two days.

Mayor Raymond C. Caballero suggested Mr. Newsome utilize the Arts Center Plaza for his events and that the City would assist in security. He asked Ms. Rita Rodriguez, City Attorney, about using the Arts Center Plaza.

Ms. Rodriguez noted that there were other issues regarding the property and the Department utilizing the property would need to be consulted.

Mr. Williams explained that this property would require a Special Privilege permit.

Representative Sumrall noted that these events sound wonderful.

Mr. Newsome remarked that it was the intent of Papa's to move away from the realm of bar promoting and toward promoting a City-wide event, such as in Galveston, Texas.

Representative Cobos made the motion to approve the event pending proper satisfaction with all concerns that the DCC (Development Coordinating Committee) may have, Representative Sumrall seconded.

Ms. Rodriguez advised that there were legal issues which had not yet been addressed.

Representative Cobos added to his motion "pending proper lease agreement".

Mayor Raymond C. Caballero asked that a member(s) of City staff review the process regarding individuals/groups utilizing the Arts Center Plaza.

Mr. Newsome explained that he had investigated utilizing the Arts Center Plaza; however, deduced that the site would be too small.

Mr. Gilbert Guillen, representing the Union Plaza property owners and Chairman of the Union Plaza Executive Committee, was excited that the event would be taking place downtown and explained that the event was within the permitted uses for Union Plaza. He reminded Council Members and Mr. Newsome that a noise ordinance did exist and asked that Mr. Newsome be mindful of the noise level.

Representative Cobos asked that parking be addressed in the Agreement, perhaps utilizing parking at the Convention Center and west end of City Hall.

Mr. McNabb remarked that he would like to have the agreement brought back to City Council for final approval.

Mr. Guillen noted that parking would be available at a cost of \$3.00.

Representative Sumrall suggested, for future events, that the City hold a Mardi Gras parade which would meander through Union Plaza with the Council Members throwing beads, etc. She added that "Mardi Gras on the Border" would be an exciting event. Representative Cook suggested the name "Party Gras".

Representative Power commented on tourists accessing the Union Plaza.

Mr. Mike Breitingner, Executive Director El Paso Central Business Association – El Paso Downtown Management District, stated that his organization would be supporting these events and asked that the City assist with the facilitating, as well. He wondered if, for future events, that documents might be drawn up in advance whereas organizations of similar characteristics requesting the use of City property may not be burdened by formalities.

Mayor Caballero agreed with Mr. Breitingner's suggestion.

Ms. Rodriguez reiterated that the motion would include pending approval and bringing the agreement back to City Council for Council approval.

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*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action on the following candidates for appointment to the Public Service Board as recommended by the Board: Fermin Acosta, Jr., Blanca E. Enriquez, and Raymond J. Ponteri.
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Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Ordinance 8064, the Classification and Compensation Plan, Section 4, Fringe Benefits, Subsection 4.9, military leave to provide supplemental pay for employees involuntarily called back to active military service as part of mobilization under Operation Enduring Freedom or Operation Noble Eagle when the employee's military pay is less than the employee's city salary.
- B. An Ordinance authorizing the Mayor to sign, on behalf of the El Paso Water Utilities—Public Service Board, a Quitclaim Deed conveying to the State of Texas an easement in land consisting of 0.265 acre, being a portion of Tract 46A, Nellie D. Mundy Survey No. 241, and located in Granby Street between Modesta and Pascal Streets, El Paso, El Paso County, Texas.
- C. An Ordinance authorizing the Mayor to sign a Release of Right of Entry and Possession for a Portion of Survey No. 266, Cert. 21/239 S.A. & M.G. Railway Co. Surveys affecting approximately 41 acres of land, more or less, being a parcel of land at Redd Road between Southwestern Drive and Gus Rallis Drive, El Paso, El Paso County, Texas.
- D. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the class of **MUSEUM PREPARATOR**.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 12, 2002 FOR ITEMS A - D

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

ADDITION TO THE AGENDA

*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign a Sixth Amendment to the Agreement for Architectural Services between the CITY OF EL PASO and DOWNTOWN ARCHITECTS, L.L.C., for a project known as "Civic Center Expansion/Renovation" for an amount not to exceed SIXTY NINE THOUSAND EIGHT HUNDRED SEVENTEEN AND 50/100 DOLLARS (\$69,817.50).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Employee Contract between the City of El Paso and Kristi K. Borden, to manage special projects for the Economic Development Department at an annual salary of \$45,000.00 and not to exceed 40 hours per week. The term of the contract shall be for the period of January 30, 2002 through January 29, 2003 with the option to renew the contract for an additional 12 months.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract for an Independent Contractor between the **CITY OF EL PASO** and **MIMI R. GLADSTEIN, Ph.D.**, to be the featured speaker at El Paso Public Library's Steinbeck Centennial Celebration at the Main Library on Sunday, February 3, 2002. The total amount of the contract shall not exceed an honorarium of \$100.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract, Contract Employee, between the **CITY OF EL PASO** and **RACHEL LITTLE** as a case manager, Victim Services Response Team, for the Police Department at the rate of \$12.50 per hour, not to exceed 40 hours per week. The term of the contract shall be for the period of January 31, 2002 through June 30, 2002.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso strongly opposes any change in the Texas Department of Transportation (TxDOT) Frontage Road policy and hereby urges the Texas Transportation Commission to delay action on any amendments to its Frontage Road policy.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Second Amendment to a Consulting Services Agreement for Safety Engineering Services by and between the **City of El Paso** and **Paschold & Associates Safety Consultants, Inc.**, for a period of one year, for an amount not to exceed SEVENTY THOUSAND AND NO/100 DOLLARS (\$70,000.00).

***RESOLUTION**

A RESOLUTION APPOINTING THE DIRECTOR OF PLANNING, PATRICIA ADAUTO, AS A MEMBER OF THE TRANSPORTATION POLICY BOARD FROM THE CITY OF EL PASO, TEXAS, FOR THE METROPOLITAN PLANNING ORGANIZATION, FOR THE EL PASO URBAN TRANSPORTATION STUDY AREA.

WHEREAS, the Bylaws of the El Paso Metropolitan Planning Organization, Transportation Planning Board (TPB) require that the governing body of the City appoint persons to said TPB; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

At the request of the Mayor, the Director of Planning, Patricia Adauto, is hereby appointed to the Transportation Policy Board for the Metropolitan Planning Organization for the El Paso Urban Transportation Study area.

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Police, as revised.

Add	1.0	Personnel and Payroll Clerk	GS17
Delete	1.0	Personnel and Payroll Clerk	GS17

NOTE: Item was revised to read: "Add 1.0" and "Delete 1.0"

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Building Services, as revised.

Delete	1.0	Electrical Inspector	GS22
Delete	1.0	Electrical Inspector	GS22
Delete	1.0	Plumbing Inspector	GS22
Add	2.0	Residential Inspector	GS24
Add	1.0	Residential Inspector	GS24
Delete	1.0	Secretary I	GS13
Add	1.0	Personnel and Accounting Clerk	GS15

NOTE: Item was revised to add the number of positions in the second column.

*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action on the removal of all bus bench advertising on and immediately adjacent to TxDOT rights of way to include, but not limited to Dyer, Transmountain, Doniphan, Mesa, Montana, Alameda, McRae until such time as the TxDOT ROWs issue has been clearly identified. (Representative Rodriguez)

Motion made by Representative Sariñana seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Offer of Sale of Ysleta Maintenance Facility—9180 Socorro Road, El Paso, Texas by the Texas Department of Transportation.
- B. Kay Barnes, in her official capacity as Member of the Board of Police Commissioners of Kansas City, Missouri, et al., v. Jeffery Gorman, Supreme Court Docket No. 01-682, Our File No. 02-S-04.
- C. Maria V. Meneses, 01-C-296
- D. Ernesto Bautista, 01-C-125
- E. Carlos Saucedo, 01-C-070

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Medina, seconded by Representative Sariñana and carried that the Mayor is authorized to sign a letter offer to the Texas Department of Transportation in order to purchase the Ysleta Maintenance Facility at 9180 Socorro Road, El Paso, Texas.

Motion made by Representative Medina, seconded by Representative Sumrall and carried that **THE CITY OF EL PASO BE AUTHORIZED TO JOIN AMICUS BRIEF TO BE FILED BY THE CITY OF SACRAMENTO, CALIFORNIA** in the lawsuit entitled Kay Barnes, in her official capacity as Member of the Board of Police Commissioners of Kansas City, Missouri, et al., v. Jeffery Gorman, Supreme Court Docket No. 01-682, Our File No. 02-S-04; as recommended by the City Attorney.

Motion made by Representative Medina, seconded by Representative Sumrall and carried that the claim entitled **MARIA V. MENESES**; Our File No. 01-C-296 be **DENIED** as recommended by the City Attorney.

Motion made by Representative Medina, seconded by Representative Sumrall and carried that the claim entitled **ERNESTO BAUTISTA**; Our File No. 01-C-125 be **DENIED** as recommended by the City Attorney.

Motion made by Representative Medina, seconded by Representative Sumrall and carried that the claim entitled **CARLOS SAUCEDO**; Our File No. 01-C-070 be **DENIED** as recommended by the City Attorney.

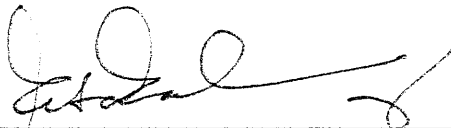
Motion made by Representative Rodriguez, seconded by Representative Cook and unanimously carried to adjourn this meeting at 11:55 a.m.

APPROVED AS TO CONTENT:



Carole Hunter, City Clerk

APPROVED AS TO FORM:



Rifa Rodriguez, City Attorney

